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May 8, 2008

Honorable Paul A. Crotty
 United States District Judge
 500 Pearl Street
 New York, New York 10007

Re: USA -v- Jose Recaute-Cobo
07-cr-880-2(PAC)

Dear Judge Crotty:

This matter is currently scheduled for sentencing on May 12. ~~*With the consent of AUSA Marissa Mole I am requesting an adjournment to Tuesday, June 10, 2008, at four PM, a date I am told is suitable for the Court.~~

AUSA Mole has informed me that she does not deem Mr. Cobo eligible for safety valve relief because he was not truthful at a proffer. I disagree with this conclusion and believe there is no basis in fact for it. Therefore I am requesting a hearing as to this issue, and respectfully ask that the Court direct the Government to produce the case agent(s) rather than to proffer their affidavits.

Respectfully submitted,

Todd M. Merer

TMM/lc

cc: AUSA Mole @ FAX No. (212) 805-2387
 Roland Thau, Esq. @ FAX No. (212) 571-0392

**Application GRANTED. The sentencing is adjourned to 6/10/08 at 4:00 pm in Courtroom 20-C as to the adjournment only*

SO ORDERED: MAY 08 2008

HON. PAUL A. CROTTY
 UNITED STATES DISTRICT JUDGE

USDS SDNY
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DATE FILED: MAY 08 2008

MEMO ENDORSED

MEMO ENDORSED